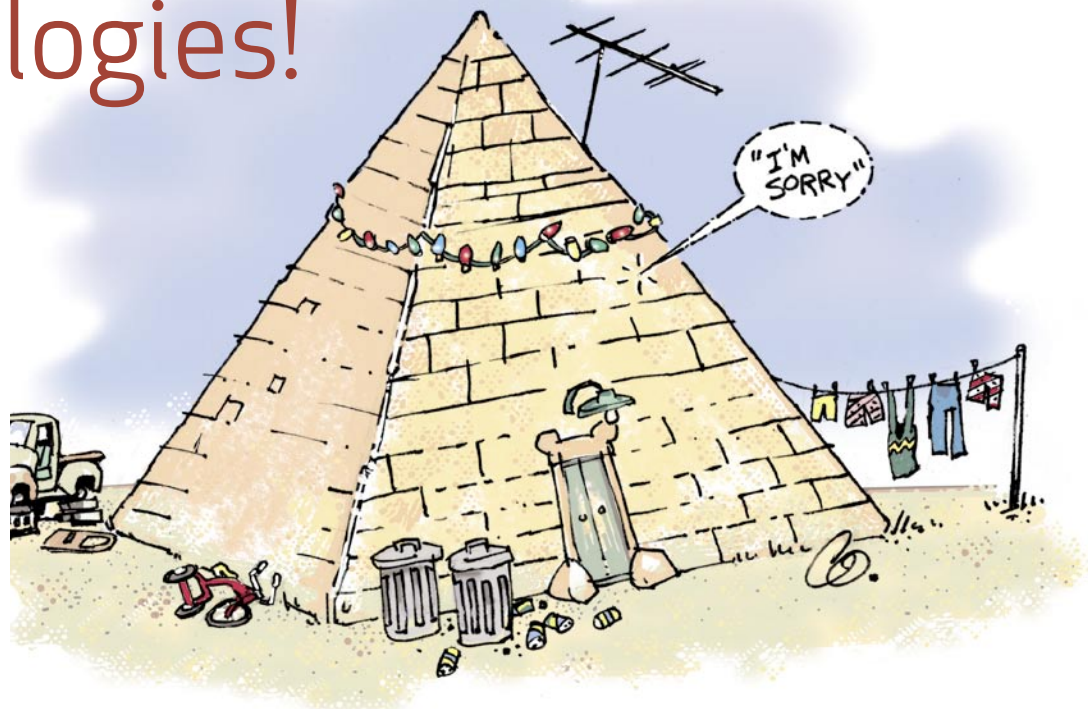


No Apologies!



That phrase is viewed as an admission of guilt in legalese just the same as it is in your marriage.

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ILLUSTRATION
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Auto insurance companies have very explicit instructions for their clients who may be involved in an accident. More important than the exchange of licenses and insurance information is the admonition to never volunteer the words, “I’m sorry.” Even if you were obviously at fault driving under the influence on the wrong side of the freeway with a 12-pack of empty beer bottles floating around the driver’s compartment, “I’m sorry” is an inflammatory phrase that will return to bite you in the fundament. So says the insurance company; so agrees the entire legal defense team. The concept of “not guilty” is so prevalent in today’s society with the decline in good manners and common courtesy, one might assume it only surfaced during the turbulent ’60s.

Not so. Way back in the beginning of medicine before Harvey and Jenner, before Osler and Lister, before Welby and McDreamy, professional use of “I’m sorry” has been a no-no. A basic canon of

medicine has established that time spent cooling one’s heels in the reception room or in subsequent examination cells does not require an “I’m sorry” response. This proved so popular, the concept came to include nose jobs, tummy tucks, and pillow lips, as well as a host of other procedures with potentially untoward results.

ProMutual Group, a Boston company that insures 18,000 physicians, dentists, and healthcare facilities in the Northeast, warns its clients against apologies that admit guilt — even in states that have laws protecting doctors who say they are sorry. What! There are states that have such laws? Yes! At least 27 states have passed laws protecting doctors that allow them to use the “S” word when things go wrong without having fear their words will be used against them in court. By extension, this includes “I apologize.” That phrase is viewed as an admission of guilt in legalese just the same as it is in your marriage.

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As such, it is seldom, if ever, heard. It is so difficult to utter that the last recorded instance of a physicians offering it was an Egyptian doctor to the royal court who mistook tincture of asp venom for powdered rhinoceros horn. He was promptly entombed in an embarrassingly cheesy pyramid while still pleading “I’m sorry” to the late pharaoh’s irate family.

It has become necessary for commiseration to be more sharply defined. While lawmakers in Rhode Island and seven more states are readying laws exempting doctors who, in a freshet of impetuosity, recklessly confess they are sorry for something. “Sorry” is not in the same boat with “apology.” You can be sorry for

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the way things turned out, but in no way is this to be considered an apology for personally being the cause of that result. If this seems to be treading a very fine line, it might be well to have an attorney present before you open your mouth. “The devil made me do it,” is not considered a valid argument in a court of law except in certain remote villages in Tanzania.

The medical industry is said to favor this wave of “I’m sorry” laws as a move-

ment to encourage doctors to promptly and fully inform patients of errors in an effort to stave off lawsuits. At the same time the practitioners are warned never to admit errors and to delete the words “mistake,” “fault,” and “negligence” from their vocabularies. Trial lawyers, as you might expect, are against anything they didn’t initiate themselves.

It might be well for medical graduates finishing their residencies to seriously consider postponing practice until they have completed the entire curriculum for a law degree. Or, better yet, skip med school altogether and go straight to law. Lawyers can say anything they want and only other lawyers can understand them. ■■■■